

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653 (KRH)

Jointly Administered

**RESPONSE OF BRIGHTON COMMERCIAL, LLC TO LIQUIDATING  
TRUST'S THIRTY-NINTH OMNIBUS OBJECTION TO LANDLORD  
CLAIMS (REDUCTION OF CERTAIN INVALID CLAIMS-MITIGATION)  
(Claim No. 12493)**

Brighton Commercial, LLC ("Brighton") hereby files its response (the "Response") to the Liquidating Trust's Thirty-Ninth Omnibus Objection to Landlord Claims (the "Objection"). In the Objection, the Liquidating Trust asserts that Brighton's Claim No. 12493 (the "Claim") filed in the amount of \$1,014,364.97 should be reduced and allowed in the sum of \$66,480.30. Brighton opposes the relief sought by the Liquidating Trust in the Objection and asks that the Claim be allowed in the full amount in which it was filed. In support of its Response, Brighton states the following:

1. The Liquidating Trust's Objection asserts that the Claim should be reduced subject to modification upon timely receipt of mitigation information.
2. The Claim should not be reduced as Brighton was unable to mitigate the damages sought in its Claim. Brighton has not been able to find a new tenant for the location (store no. 3776 in Brighton, Michigan (the "Location")) that was rejected by Circuit City pursuant to

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Counsel for Brighton Commercial, LLC

Bankruptcy Code Section 365(d)(2) and procedures approved by this Court. The rejection was effective February 23, 2009 (the "Rejection").

3. Since the Rejection, Brighton marketed the Location extensively and at a substantially reduced rent. Brighton used Susan Acciaioli with Mid-America Real Estate – Michigan, Inc. to attempt to rent the space. To date, the Location remains vacant. As a result of the continued vacancy, Brighton surrendered the Location to its lender on May 18, 2012, pursuant to a deed in lieu of foreclosure.

4. The party with authority to discuss mitigation issues for Brighton as well as the facts stated in this Response is the following:

Mark Murphy  
1759 Old Ranch Road  
Los Angeles, CA 90049  
310.848.4444 phone  
[murphymm@mac.com](mailto:murphymm@mac.com) (email)

WHEREFORE, Brighton Commercial, LLC requests that the Court deny the Liquidating Trust's Objection to Claim No. 12493 and that the Claim be allowed by Court order in the amount of \$1,014,364.97.

Dated: June 14, 2012

**CHRISTIAN & BARTON, LLP**

/s/ Jennifer M. McLemore

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***Counsel for Brighton Commercial, LLC***

**CERTIFICATE OF SERVICE**

I, Jennifer M. McLemore, hereby certify that on the 14th day of June 2012, a true and correct copy of the foregoing Response of Brighton Commercial, LLC to Liquidating Trust's Thirty-Ninth Omnibus Objection to Landlord Claims (Reduction of Certain Invalid Claims-Mitigation) (Claim No.1293) has been served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter and emailed separately to the following:

Jeffrey N. Pomerantz, Esquire  
Andrew W. Caine, Esquire  
Lynn L. Tavenner, Esquire  
Paula S. Beran, Esquire

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/s/ Jennifer M. McLemore  
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